

10. Trans-global affirmative action: Some critical lessons

We need to learn broader and deeper implications and critical lessons from the trans-global study of affirmative action in Fiji, Malaysia and South Africa. No doubt it provides an insight into diverse experiences of different countries, which nevertheless may be using the same affirmative action template.

Although countries may be using the same affirmative action framework, justification and philosophy, the local political, economic and socio-cultural conditions do matter in determining the final outcome of preferential programs. The preferential policy templates are often reconfigured to suit local circumstances and interests. This is usually the prerogative of local elites in power. In ethnically divided societies, different political parties can use affirmative action programs as short-term leverage for ethnic and political mobilization as well as using them as a long-term mechanism for institutionalized ethno-nationalist appeal.

The role of the elites needs to be emphasised here because of the dual role they play in being communal elites as well as state elites. As communal elites they are able to use cultural appeal to mobilize support within their community; and as state elites they are able to make use of the powerful state machinery and resources to further consolidate the political power of their respective communities. They are thus placed strategically to act as ethnic entrepreneurs in rallying their own ethnic group against the other or, when the circumstances demand, in assuming the role of trans-ethnic national leaders. Ethnic elites often negotiate these two seemingly opposing roles amidst multiple oppositions from opposing ethnic elites, more 'liberal' members of their own communities, civil society organizations, intelligentsia, and international organizations concerned with human rights, equity and justice.

As the case studies have shown, consolidation of state control and power by ethnic elites is often more complex than it seems. A critical aspect here is the formation of complex patronage systems consisting of co-option of strategically located players such as businessmen (both indigenous and non-indigenous), political party leaders, local community leaders and others considered significant. The patronage system has its own power dynamics and accountability is usually to itself. This may change from time to time as new political parties come to power, as in the case of Fiji. For easy and ready access to the benefits of affirmative action, being associated somehow with the patronage system does help. The patronage system may lead to institutionalized and entrenched hegemony of the ruling elites as well as to abuse of power and corruption. Consequently, the

classical notion of the state as an independent arbiter of competing interests is seriously compromised and thus needs to be redefined. The cases of Fiji, Malaysia and South Africa clearly demonstrate these dynamic tendencies.

Another significant issue in relation to the patronage system is how the notion of merit as a means of social mobility is being redefined. The system of meritocracy, which is often associated with fairness and equal opportunity, is subject to reinterpretation based on one's contribution – monetary, political or professional – to the party hierarchy. Disbursement of affirmative action benefits can be used as payoff for political loyalty.

The concentration of resources within an elite group associated with the patronage system contributes directly to intra-communal inequality. This is a serious consequence of politically driven preferential policies. It reflects the skewed allocation of resources in favour of those who least deserve assistance. This raises the moral issue of justice and its paradoxical usage. Affirmative action is used as a means of achieving equality and justice, yet in the process, it leads to inequality and denial of justice for the less fortunate members of the community. This is a fundamental contradiction the three case studies share.

In an era in which neoliberal development policies predominate, affirmative action is often seen as a distortion of economic strategies because it is not based on growth-based outcomes. Perhaps the real picture is more complex and involves a mixture of both preferential access to shares and investment of these shares for growth. However, the environment for growth is carefully nurtured and supervised by the state rather than being dictated solely by the market. This ensures the development and consolidation of the indigenous middle class.

As the three case studies have shown, the development of an indigenous middle class is in itself a major social engineering undertaking. This is not always recognized because of the tendency to focus on the specific policy prescriptions of affirmative action rather than the broader structural dimension. The ensuing structural transformation involves reshaping the relationship between class and ethnicity in a way which reverses the old order in favour of the designated group. While there is usually a time frame for the changes to take place, this is often ignored because of ever-emerging factors which demand the continuation of affirmative programs.

We need to be mindful all the time of the differences between majority-based and minority-based affirmative action models because of the different political dynamics they represent. The affirmative action models used by Fiji, Malaysia and South Africa are majority-based – the designated group is also politically and demographically dominant. This is in contrast to minority-based models as in the United States and New Zealand, where the designated group is also

politically and demographically a minority. Affirmative action programs in the United States were put in place as a means to redress its racially turbulent history, characterized by slavery and institutionalized racial discrimination. It is meant to provide equal opportunity in the areas of employment, education and contracts to ensure that public institutions such as universities, hospitals and police forces reflect in such areas proportions in the wider population they serve. Like the United States and unlike Fiji, Malaysia and South Africa, affirmative action in New Zealand is not entrenched in the constitution but is legislated and treated as a normal policy program. Also there are no strict quotas in employment, business licences or contracts unlike in Malaysia and South Africa. However, some New Zealand universities provide enrolment quotas for Maori and Pacific Islanders as part of their equity programs. Critics of affirmative action in New Zealand argue that affirmative action is tantamount to handouts and encourages parasitism on the state, but advocates of affirmative action contend that the state has a moral obligation to compensate Maori for the loss of their land and sovereignty through colonialism.

No other Pacific island state, apart from Fiji, provides ethnic-based affirmative action programs. Although they have minorities such as Chinese, most minority populations are economically well-to-do and are not considered eligible for affirmative action. Although there are no affirmative action policies, even for the majority indigenous population, often those in politics and the state bureaucracy have better chances of access to state services such as scholarships and business deals. Pacific Island migrants in New Zealand become 'disadvantaged' minorities and have access to affirmative action.

The impact of ethnic-based affirmative action on ethnic relations cannot be understated. Preferential treatment for an ethnic group is bound to generate hostility from others who feel deserving but have been left out. Charges of reverse discrimination and worse still ethnic stereotyping which depict designated groups as social parasites are often used. Instead of improving race relations, as the initial justification intends, affirmative action has the potential to widen the ethnic gulf and increase tension.

The last question which needs to be asked is whether affirmative action has led to a fairer, more just and peaceful society or has it simply worsened the existing situation. In other words, have the reasons and ideological justifications behind affirmative action been achieved? It is not easy to answer this question with a blanket "yes" or "no" because of the complex sets of factors which support or negate either side of the debate. The answer very much lies in how one justifies one's discourse and how much that is supported by selected empirical evidence. Whatever one's position is, the undeniable fact is that because affirmative action has served the interests of many people well and it will continue to exist as a major developmental strategy in the foreseeable future.

These lessons, drawn from a trans-global study of Fiji, Malaysia and South Africa case studies, are crucial in understanding the complexities and paradoxes of affirmative action and may also help us understand possible situations in other countries. Ethnic-based affirmative action has had its fair share of problems and there is a need to look again at its shortcomings for the purpose of moving towards more innovative alternatives.